

**UNITED STATES DISTRICT COURT
DISTRICT OF RHODE ISLAND**

SCOTT PHILLIPS, individually and on behalf)
of all others similarly situated,)

Plaintiff,)

Civil Action No. 13-747 M

v.)

COSTA, INC., DAVID G. WHALEN,)
RUSSELL A. BOSS, BERNARD A.)
BUONANNO, JR., JACOB C. GAFFEY,)
DWAIN L. HAHS, HARLEN M. KENT,)
ANDREW J. PARSONS, FRANCES P.)
PHILIP, and GWH ACQUISITION SUB,)
INC.,)

Defendants.)

MARVIN GORDON, individually and on)
behalf of all others similarly situated,)

Plaintiff,)

Civil Action No. 13-786 M

v.)

COSTA, INC., DAVID G. WHALEN,)
RUSSELL A. BOSS, BERNARD A.)
BUONANNO, JR., JACOB C. GAFFEY,)
DWAIN L. HAHS, HARLEN M. KENT,)
ANDREW J. PARSONS, FRANCES P.)
PHILIP, and GWH ACQUISITION SUB,)
INC.,)

Defendants.)

STIPULATION OF DISMISSAL

IT IS HEREBY STIPULATED AND AGREED, pursuant to Federal Rule of Civil Procedure 41, by and between Plaintiffs Scott Phillips and Marvin Gordon ("Plaintiffs") and defendants Costa, Inc., David G. Whalen, Russell A. Boss, Bernard A. Buonanno, Jr., Jacob C. Gaffey, Dwain L. Hahs, Harlen M. Kent, Andrew J. Parsons, Frances P. Philip, and GWH

Acquisition Sub, Inc. (“Defendants”) in the above-captioned consolidated actions, through their undersigned counsel and subject to the approval of the Court, that all claims pending in the above-captioned consolidated actions against the Defendants are hereby dismissed with prejudice as to Plaintiffs, with the parties bearing their own costs and attorneys’ fees. Plaintiffs represent that no compensation in any form has been passed directly or indirectly from any of the Defendants to Plaintiffs or Plaintiffs’ counsel and no promise to give any such compensation has been made.

Dated: May 28, 2014

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Dated: May 28, 2014

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Dated: May 28, 2014

By: /s/ Joseph A. Farside, Jr.

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IT IS SO ORDERED this ____ day of _____ 2014.

Hon. John J. McConnell, Jr.
United States District Judge